**IN THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF PUERTO RICO**

SERVIDORES PÚBLICOS UNIDOS, COUNCIL 95 OF THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES; SANDRA PACHECO SANTIAGO; CARLOS REYES CASTRO; and MIGUEL ÁNGEL ORTIZ RAMOS,

Plaintiffs,

v.

The FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO; MEMBERS OF THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, including José B. Carrión III, Andrew G. Biggs, Carlos M. García, Arthur J. González, José R. González, Ana J. Matosantos, David A. Skeel, and Elías Sánchez, in their official capacity as the appointed members and ex oficio member of the Financial Oversight and Management Board for Puerto Rico; COMMONWEALTH OF PUERTO RICO; and RICARDO ANTONIO ROSSELLÓ NEVARES, in his official capacity as the Governor of the Commonwealth of Puerto Rico,

Defendants.

Civil No. ____________

**EX PARTE MOTION FOR A TEMPORARY RESTRAINING ORDER
AND CERTIFICATION OF NOTICE PURSUANT TO FRCP 65(b)(1)(B)**

Plaintiffs, Servidores Públicos Unidos, Council 95 of the American Federation of State, County and Municipal Employees (the "Union"); Sandra Pacheco Santiago; Carlos Reyes Castro; and Miguel Ángel Ortiz Ramos, by counsel, respectfully move this Court pursuant to Fed. R. Civ. P. 65 and Local Rule 65 for a Temporary Restraining Order in accordance with the request made in the Complaint and the papers filed herewith enjoining Defendants, the Financial Oversight and Management Board for Puerto Rico (the "Oversight Board"); Members of the Oversight Board, including José B. Carrión III, Andrew G. Biggs, Carlos M. García, Arthur J.

González, José R. González, Ana J. Matosantos, David A. Skeel, and Elías Sánchez, in their official capacity as the appointed members and ex oficio member of the Oversight Board; the Commonwealth of Puerto Rico (the "Commonwealth"); and Ricardo Antonio Rosselló Nevares, in his official capacity as the Governor of the Commonwealth of Puerto Rico, from implementing the Fiscal Plan purportedly approved and certified for Puerto Rico by the Oversight Board on March 13, 2017 (the "Final Fiscal Plan"), including invoking or filing any petition or plan of reorganization under Title III of the Puerto Rico Oversight, Management, and Economic Stability Act ("PROMESA"), and otherwise prohibiting Defendants from taking any steps to impair Plaintiffs' accrued, vested rights or taking without just compensation Plaintiffs' property pursuant to the Final Fiscal Plan, or otherwise. Pursuant to Rule 65(b)(1), the Plaintiffs ask the Court to issue such Temporary Restraining Order without notice to the Defendants, in light of the specific and immediate and irreparable injury, loss, and damage that will result to the individual Plaintiffs and to the members on whose behalf plaintiff Union sues; and given the Plaintiffs' efforts to notify Defendants of this Application.

In support of this Application, the Plaintiffs have filed a Complaint, the accompanying Memorandum of Law in Support of Motion for TRO and/or Preliminary Injunction, the Declarations of Carlos Reyes Castro, Miguel Ángel Ortiz Ramos, Matthew S. Blumin., Sandra Pacheco Santiago, and Genoveva Valentín Soto, and the exhibits attached thereto. The relief requested by the Plaintiffs is needed in order to preserve the contractual and property rights of the Plaintiffs from a permanent reduction in retirement benefits earned through already-performed employment services and from a permanent taking of Plaintiffs' property, where such injury is likely to occur before the Defendants can be heard in opposition and where Plaintiffs have a substantial likelihood of success on the merits of their claim and will be irreparably harmed in the event this Application is denied.

Because there is little to no potential for harm to the Defendants, because Plaintiffs seek to vindicate the rights of a large group of citizens, and because Defendants have control and authority over Plaintiffs, Plaintiffs respectfully assert that no bond should be required.

Plaintiffs accordingly seek a temporary restraining order by this Court as follows, until such time as the parties may be heard on their accompanying application for a preliminary injunction:

A. Enjoining Defendants and their affiliates, agents, employees, and attorneys, and any and all other persons in active concert or participation with them, from applying the Final Fiscal Plan to reduce or eliminate the value of, suspend or reduce payment of, or otherwise modify any terms and conditions of Plaintiffs' accrued retirement benefits based on already-performed employment services, or of Plaintiffs' defined contribution accounts consisting of their own contributions of wages and investment income earned thereon, including but not limited to enjoining any and all Defendants from filing a petition for relief under Title III of PROMESA.

B. Enjoining Defendants and their affiliates, agents, employees, and attorneys, and any and all other persons in active concert or participation with them, from applying the Final Fiscal Plan in a manner that reduces or eliminates the value of, suspends or reduces payment of, or otherwise modifies any terms and conditions of Plaintiffs' individual defined contribution hybrid contribution accounts established under the Commonwealth's Act 3 of 2013 and retirement savings accounts established under the Commonwealth's Act 305 of 1999 and/or access to the balances of such accounts, including interest earned thereon, including but not limited to enjoining any and all Defendants from filing a petition for relief under Title III of PROMESA.

C. Enjoining Defendants and their affiliates, agents, employees, and attorneys, and any and all other persons in active concert or participation with them, from applying the Final Fiscal Plan in any manner whatsoever,

D. Enjoining Defendants and their affiliates, agents, employees, and attorneys, and any and all other persons in active concert or participation with them from filing a petition for relief under Title III of PROMESA predicated on the Final Fiscal Plan.

E. Granting such other and further relief as the Court may deem just under the circumstances.

Pursuant to Local Rule 65, a proposed order is attached hereto. The undersigned hereby certify pursuant to Rule 65(b)(1)(B) that they have provided notice to Defendants of this application by email message sent at 12:10AM on April 12, 2017 to the following email addresses:
hermann.bauer@oneillborges.com, julio.pietrantoni@oneillborges.com,
spenagaricano@justicia.pr.gov, and, grsantiago@justicia.pr.gov.

Respectfully submitted in San Juan, Puerto Rico this 12th day of April, 2017.

RODRIGUEZ BANCHS, CSP

/s/Manuel A. Rodríguez Banchs
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*Applications for Admission *Pro hac vice* have been filed today under a separate cover.